OFFICE MEMORANDUM

Subject: 103rd Meeting of the Board of Approval for Special Economic Zones (SEZs) held on 18th March, 2021 at 12:00 noon – reg.

Please find enclosed herewith Minutes of the 103rd meeting of the Board of Approval for SEZs held on 18th March, 2021 under the Chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce for information and necessary action.

2. The Development Commissioners are requested to take urgent necessary action, on the directions of BoA requiring follow up action on their part, before the next meeting of the BoA.

(Sumit Kumar Sachan)
Under Secretary to the Government of India
Tel: 2306 2496
Email: sumit.sachan@nic.in

To

1. Central Board of Excise and Customs, Member (Customs), Department of Revenue, North Block, New Delhi. (Fax: 23092628).
2. Central Board of Direct Taxes, Member (IT), Department of Revenue, North Block, New Delhi. (Telefax: 23092107).
3. Joint Secretary, Ministry of Finance, Department of Financial Services, Banking Division, Jeevan Deep Building, New Delhi (Fax: 23344462/23366797).
4. Shri Anil Agarwal, Joint Secretary, Department of Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi.
5. Joint Secretary, Ministry of Shipping, Transport Bhawan, New Delhi.
6. Joint Secretary (E), Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
8. Ministry of Science and Technology, Sc ‘G’ & Head (TDT), Technology Bhavan, Mehrauli Road, New Delhi. (Telefax: 26862512)
9. Joint Secretary, Department of Biotechnology, Ministry of Science and Technology, 7th Floor, Block 2, CGO Complex, Lodhi Road, New Delhi - 110 003.
10. Additional Secretary and Development Commissioner (Micro, Small and Medium Enterprises Scale Industry), Room No. 701, Nirman Bhavan, New Delhi (Fax: 23062315).
11. Secretary, Department of Electronics & Information Technology, Electronics Niketan, 6, 
CGO Complex, New Delhi. (Fax: 24363101)
12. Joint Secretary (IS-I), Ministry of Home Affairs, North Block, New Delhi 
(Fax: 23092569)
13. Joint Secretary (C&W), Ministry of Defence, Fax: 23015444, South Block, New Delhi.
14. Joint Secretary, Ministry of Environment and Forests, Pariyavaran Bhavan, CGO 
Complex, New Delhi – 110003 (Fax: 24363577)
15. Joint Secretary & Legislative Counsel, Legislative Department, M/o Law & Justice, A- 
Wing, Shastri Bhavan, New Delhi. (Tel: 23387095).
16. Department of Legal Affairs (Shri Hemant Kumar, Assistant Legal Adviser), M/o Law & 
Justice, New Delhi.
17. Secretary, Department of Chemicals & Petrochemicals, Shastri Bhavan, New Delhi
18. Joint Secretary, Ministry of Overseas Indian Affairs, Akbar Bhawan, Chanakyapuri, New 
Delhi. (Fax: 24674140)
19. Chief Planner, Department of Urban Affairs, Town Country Planning Organisation, 
Vikas Bhavan (E-Block), I.P. Estate, New Delhi. (Fax: 23073678/23379197)
20. Director General, Director General of Foreign Trade, Department of Commerce, Udyog 
Bhawan, New Delhi.
21. Director General, Export Promotion Council for EOUs/SEZs, 8G, 8th Floor, Hansalaya 
Building, 15, Barakhamba Road, New Delhi – 110 001 (Fax: 223329770)
22. Dr. Rupa Chanda, Professor, Indian Institute of Management, Bangalore, Bennerghata 
Road, Bangalore, Karnataka
23. Development Commissioner, Noida Special Economic Zone, Noida.
24. Development Commissioner, Kandla Special Economic Zone, Gandhidham.
25. Development Commissioner, Falta Special Economic Zone, Kolkata.
26. Development Commissioner, SEEPZ Special Economic Zone, Mumbai.
27. Development Commissioner, Madras Special Economic Zone, Chennai
28. Development Commissioner, Visakhapatnam Special Economic Zone, Visakhapatnam
29. Development Commissioner, Cochin Special Economic Zone, Cochin.
30. Development Commissioner, Indore Special Economic Zone, Indore.
31. Development Commissioner, Mundra Special Economic Zone, 4th Floor, C Wing, Port 
Users Building, Mundra (Kutch) Gujarat.
32. Development Commissioner, Dahej Special Economic Zone, Fadia Chambers, Ashram 
Road, Ahmedabad, Gujarat
33. Development Commissioner, Navi Mumbai Special Economic Zone, SEEPZ Service 
Center, Central Road, Andheri (East), Mumbai – 400 096
34. Development Commissioner, Sterling Special Economic Zone, Sandesara Estate, Atladra 
Padra Road, Vadodara - 390012
35. Development Commissioner, Andhra Pradesh Special Economic Zone, Udyog Bhawan, 
9th Floor, Siripuram, Visakhapatnam – 3
36. Development Commissioner, Reliance Jamnagar Special Economic Zone, Jamnagar, 
Gujarat
37. Development Commissioner, Surat Special Economic Zone, Surat, Gujarat
38. Development Commissioner, Mihan Special Economic Zone, Nagpur, Maharashtra
39. Development Commissioner, SriCity Special Economic Zone, Andhra Pradesh.
40. Development Commissioner, Mangalore Special Economic Zone, Mangalore.
41. Government of Andhra Pradesh, Principal Secretary and CIP, Industries and Commerce Department, A.P. Secretariat, Hyderabad – 500022. (Fax: 040-23452895).

42. Government of Telangana, Special Chief Secretary, Industries and Commerce Department, Telangana Secretariat Khairatabad, Hyderabad, Telangana.

43. Government of Karnataka, Principal Secretary, Commerce and Industry Department, Vikas Soudha, Bangalore – 560001. (Fax: 080-22259870)

44. Government of Maharashtra, Principal Secretary (Industries), Energy and Labour Department, Mumbai – 400 032.

45. Government of Gujarat, Principal Secretary, Industries and Mines Department Sardar Patel Bhawan, Block No. 5, 3rd Floor, Gandhinagar – 382010 (Fax: 079-23250844).

46. Government of West Bengal, Principal Secretary, (Commerce and Industry), IP Branch (4th Floor), SEZ Section, 4, Abanindranath Tagore Sarani (Camar Street) Kolkata – 700 016

47. Government of Tamil Nadu, Principal Secretary (Industries), Fort St. George, Chennai – 600009 (Fax: 044-25370822).

48. Government of Kerala, Principal Secretary (Industries), Government Secretariat, Trivandrum – 695001 (Fax: 0471-2333017).

49. Government of Haryana, Financial Commissioner and Principal Secretary), Department of Industries, Haryana Civil Secretariat, Chandigarh (Fax: 0172-2740526).

50. Government of Rajasthan, Principal Secretary (Industries), Secretariat Campus, Bhatwan Das Road, Jaipur – 302005 (0141-227788).

51. Government of Uttar Pradesh, Principal Secretary, (Industries), Lal Bahadur Shastri Bhawan, Lucknow – 226001 (Fax: 0522-2238255).

52. Government of Punjab, Principal Secretary Department of Industry & Commerce Udyog Bhawan), Sector -17, Chandigarh- 160017.

53. Government of Puducherry, Secretary, Department of Industries, Chief Secretariat, Puducherry.

54. Government of Odisha, Principal Secretary (Industries), Odisha Secretariat, Bhubaneswar – 751001 (Fax: 0671-536819/2406299).

55. Government of Madhya Pradesh, Chief Secretary, (Commerce and Industry), Vallabh Bhavan, Bhopal (Fax: 0755-2559974)

56. Government of Uttar Pradesh, Principal Secretary, (Industries), No. 4, Subhash Road, Secretariat, Dehradun, Uttarakhand

57. Government of Jharkhand (Secretary), Department of Industries Nepal House, Doranda, Ranchi – 834002.

58. Union Territory of Daman and Diu and Dadra Nagar Haveli, Secretary (Industries), Department of Industries, Secretariat, Moti Daman – 396220 (Fax: 0260-2230775).

59. Government of Nagaland, Principal Secretary, Department of Industries and Commerce), Kohima, Nagaland.

60. Government of Chhattisgarh, Commissioner-cum-Secretary Industries, Directorate of Industries, LIC Building Campus, 2nd Floor, Pandri, Raipur, Chhattisgarh (Fax: 0771-2583651).

Copy to: PPS to CS / Consultant to AS (SK) / PPS to JS(AK)/ PPS to Dir (SNS).
Minutes of the 103rd meeting of the Board of Approval for SEZs held on 18th March, 2021

The One Hundred Third (103rd) meeting of the Board of Approval (BoA) for Special Economic Zones (SEZs) was held on 18th March, 2021 under the chairmanship of Shri Anup Wadhawan, Secretary, Department of Commerce, at 12:00 noon in Room No. 141, Udyog Bhawan, New Delhi. The list of participants is annexed (Annexure-1).

103.1: Confirmation of minutes of the meeting of the 102nd BoA held on 6th January, 2021.

The Board, ratified the minutes of the 102nd meeting of the BoA held on 6th January, 2021.

103.2 Request for extension of LoA beyond 3rd year onwards (three proposals)

103.2(i) Request of M/s. Wockhardt Ltd. Unit 2, located at Plot No. 6-A in Wockhardt Infrastructure Development Ltd. SEZ, Shendre, Aurangabad, Maharashtra for extension of Letter of Approval beyond 7th year for a period of one year from 25.02.2021 up to 24.02.2022.

The Board, after deliberations, approved extension of the validity of the LoA up to 24th February, 2022.

103.2(ii) Request of M/s. Fibrofilt Industries, a unit in AMRL Hi Tech City Ltd. SEZ at Nangneri, Tirunelveli Distt, Tamil Nadu for extension of Letter of Approval (LOA) from 17.7.2020 to 16.01.2022.

The Board, after deliberations, approved extension of the validity of the LoA up to 16th July, 2021.

103.2(iii) Request of M/s BEML Limited in the KIADB Aerospace SEZ, Bangalore, Karnataka for extension of Letter of Approval (LOA) beyond 05.01.2021 for a period of one year i.e. upto 04.01.2022.

The Board, after deliberations, approved extension of the validity of the LoA up to 04th January, 2022.

103.3 Proposal for change in shareholding pattern/ name/control/merger and de-merger (five proposals)

103.3(i) Request of M/s. Platinum Holdings Private Limited (Developer) for prior approval of BoA for change of shareholding pattern and for appointment of new Directors in the Board.

The Board, after deliberations, approved the proposal for change of shareholding pattern and for appointment of new Directors in the Board subject to approval by relevant statutory body with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

[Signature]
ii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownership etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

103.3(ii) Request for change of name of the developer of sector specific SEZ for IT/ITES at Saravanampatti, Coimbatore SEZ from M/s Coimbatore Hitech Infrastructure Private Limited to M/s KGISL Infrastructures Private Limited.

The Board, after deliberations, approved the proposal for change of name of the developer from M/s Coimbatore Hitech Infrastructure Private Limited to M/s KGISL Infrastructures Private Limited with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownership etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

103.3(iii) Request of M/s. Embassy Office Park Pvt. Ltd. (Developer) located in Plot No.PL03A, Rajiv Gandhi Infotech Park Hinjewadi, Phase-II, Pune for change in entrepreneur from M/s. Embassy Office Park Pvt. Ltd. to M/s. Embassy Pune TechZone Pvt. Ltd. and in shareholding as a result of Composite Scheme of Arrangement approved by Hon’ble NCLT, Mumbai Bench.

The Board, after deliberations, approved the proposal for change in entrepreneur from M/s. Embassy Office Park Pvt. Ltd. to M/s. Embassy Pune TechZone Pvt. Ltd. and change in shareholding pattern with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
103.3(iv) Request of M/s SunTec Infrastructure Private Limited, Co-Developer in Electronics Technology Park SEZ(IV) for change in shareholding pattern.

The Board, after deliberations, approved the proposal for change in shareholding pattern subject to approval by relevant statutory body with the following conditions:

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
ii. Fulfilment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;
iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.
iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownership etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

103.3(v) Request of M/s. TAPP Semiconductor India Pvt. Ltd., Co-developer in Electronics/Telecom Hardware Sector SEZ at SIPCOT Industrial Area, Sriperumbudur for prior approval of BoA for change of Shareholding Pattern and change in list of holders Compulsorily Convertible Debentures(CCD).

The Board, after deliberations, approved the proposal for change of Shareholding Pattern, change in list of holders Compulsorily Convertible Debentures(CCD) and the list of directors subject to approval by relevant statutory body with the following conditions:

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered co-developer entity;
ii. Fulfilment of all eligibility criteria applicable to co-developer, including security clearances etc., by the altered co-developer entity and its constituents;
iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The co-developer shall furnish details of PAN and jurisdictional assessing officer of the co-developer to CBDT.

103.4 Requests for co-developer (three proposals)

103.4(i) Request of M/s. GGG Builders LLP for Co-developer status in the IT/ITES SEZ of M/s. Artha Infratech Pvt. Ltd. at Plot No. 21, Sector-Techzone IV, Greater Noida (Uttar Pradesh).

The Board, after deliberations, approved the proposal of M/s. GGG Builders LLP for co-developer status to undertake conversion of warm shell infrastructure to total ready to move in infrastructure to be leased out to various SEZ units for export including maintaining and managing facility management over two floors (5th & 6th floor) of Tower No.1 of approx. 64,820 sq.ft. super area in the processing area of SEZ in accordance with the co-developer agreement dated 24.12.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

103.4(ii) Request of M/s State Industries Promotion Corporation of Tamil Nadu Limited for co-developer status in the IT/ITES Electronic components and Hardware manufacturing and related services SEZ developed by M/s. Flextronics Technologies India Pvt. Ltd. at SIPCOT Industrial Park, Phase II, Sandavellur “C” Village, Sriperumbudur Taluk, Kancheepuram District.

The Board, after deliberations, decided to defer the proposal in view of the impending legislative assembly elections in the state of Tamil Nadu.

103.4(iii) Request of M/s. Finefacilis Management Private Limited for co-developer status in M/s. Platinum Holdings Private Limited SEZ located at No. 4/2, 3/1 and 5/1 in Navalur, Chennai.

The Board, after deliberations, decided to defer the proposal in view of the impending legislative assembly elections in the state of Tamil Nadu.

103.5 Miscellaneous cases (eight proposals)

103.5(i) Request of M/s Brandix India Apparel City Pvt. Ltd., at Achuthapuram Mandal, Visakhapatnam, Andhra Pradesh for permission for Chain-link fencing.

The Board, after deliberations, decided to defer the matter and requested Department of Revenue to review in the light of report of local Customs and further inputs received during the
meeting. The Board also directed that the matter may further be processed on file based on the response received from Department of Revenue.

103.5 (ii) Application of M/s Arshiya Northern FTWZ Ltd. for change of sector of its Free Trade Warehousing Zone at Village Ibrahimpur, Junaidpur Urf Maujpur, Bulandshahr (UP) into ‘Multi Sector SEZ’ in terms of Rule 6(A) (i) of the SEZ Rules, 2006.

The Board, after deliberations, decided to approve the proposal of the developer for change of sector of its Free Trade Warehousing Zone into ‘Multi Sector SEZ’ in terms of Rule 6(A) (i) of the SEZ Rules, 2006 subject to the condition that all the terms and conditions prescribed under the SEZ law for setting up of a multi sector SEZ, viz. minimum contiguous land area requirement, minimum processing area requirement, FTWZ area duly demarcated being exclusively used for trading and warehousing purpose etc. are fulfilled by the developer.

103.5(iii) Request for granting permission for underground pipeline from M/s. Coromandel International Limited, Plot no. Z/103/G, Dahej SEZ-II (Drainage Point) to GIDC pumping station within Dahej SEZ land limit.

The Board noted that the proposed pipeline will be laid underground within the SEZ area. The Board, after deliberations, decided to return the matter to the Development Commissioner to take an appropriate decision after placing the matter in the Unit Approval Committee.

103.5(iv) Request for import for warehousing and re-export of restricted items by Adani Warehousing Services Pvt. Ltd., Adani Ports and Special Economic Zone, Mundra.

The Board discussed the proposal in detail. The Board further noted that the issue had been sent to BOA as per the additional condition laid out by the UAC at the time of issuance of this particular LOA which was restrictive beyond the extant conditionalities.

The Board, after deliberations, decided to return the matter to the Development Commissioner to take an appropriate decision after placing the matter in the Unit Approval Committee.

103.5 (v) Proposal of M/s R. R. Vibrant Polymers Ltd. for renewal of LOA for next five years in terms of Rule 18(4) of SEZ Rules’06.

The Board, after deliberations, decided to grant an extension upto 30.06.2021 in order to keep the unit at par with the other plastic recycling units subject to finalization of policy by the Department of Commerce in this regard. DC should ensure that the unit fulfills all other criteria and there is no violation of SEZ Act/Rules.

103.5(vi) Request of M/s Derewala Jewellery Mfg. Co. Pvt Ltd, SEZ-I, Sitapura, Jaipur for broad banding of items of manufacture by including new items "Jewellery of Mother of Pearls, Annual Capacity -500 kg (HS Codes of the Jewellery - 71131130, 71131120, 71131910, 71131920, 71131930, 71131940, 7117909) in their LOA.

The Board noted that the unit will be importing ‘Mother of Pearl’, a restricted item from China/Korea for making jewellery. The fourth proviso to Rule 27(1) of the SEZ Rules, provides for supply of restricted items by a DTA unit to SEZ developer/unit with the prior approval of BoA only.
The Board, after deliberations, decided to return the matter to the Development Commissioner to take an appropriate decision after placing the matter in the Unit Approval Committee.

103.5(vii) Application of M/s VTV Infrastructure Management Private Limited, the Co-developer in M/s Vikas Telecom Pvt. Ltd (Embassy Tech Village SEZ) for surrender of their co-developer status and handover the authorized operations to the Developer, M/s. Vikas Telecom Ltd (Embassy Tech Village SEZ).

The Board, after deliberations, decided to approve the request of the co-developer to surrender their co-developer status and handover the authorized operations to the developer.

103.5(viii) Irregularities and compliance issues in the port based SEZ developed by Cochin Port Trust in Puthuvypeen, Ernakulam.

The Board heard the developer of the SEZ - Chairperson, Cochin Port Trust who apprised of the ongoing developments in the SEZ. The Board noted that the Department of Revenue in their comments had proposed the following:

i. IOCL’s co-developer status, vide LoA dated 17.06.2011, should be surrendered w/s 10 of the SEZ Act. Subsequent to that the Developer can allocate the said built up area to IOCL as a unit. The LoA issued on 18.02.2021 by UAC to IOCL may accordingly be examined for compliance under SEZ law as mentioned above.

ii. Suitable action may be initiated against BPCL who was issued LoA to operate as a co-developer, but has been operating as a unit for violating provisions under the SEZ law.

The Board, after deliberations, approved the request of the developer for extension of time for compliance of BoA’s directions regarding de-notification and construction of compound wall for a period of six months till 31.08.2021. Further, the Board directed DC, CSEZ to examine the comments of DoR and submit a report at the earliest.

103.6 Appeal (one appeal)

103.6(i) Appeal dated 22.02.2021 filed by M/s Datwyler Pharma Packaging India Pvt. Ltd. against the decision of UAC in its meeting held on 03.02.2021 for rejection of request for approval of additional list of services viz. as ‘Other Services not elsewhere classified’ under SAC code 999799 required for Gamma Irradiation of product ‘Rubber Stopper’.

The Board heard the appellant and observed the following:

i. The unit intends to get their manufactured goods viz. rubber stopper to undergo gamma irradiation, which is in the nature of job-work services. The unit requested for approval of Gamma Irradiation treatment services as additional service in the uniform list of authorized input services and submitted that the rejection of the request of the unit is resulting in extra cost burden in the form of IGST as without list of services approval from the Approval committee, the supplier is not providing “Zero-rated supplies” under Section 16(1) of the IGST Act, 2017. The Development Commissioner stated that the said activity of the unit is in the nature of job work and is eligible for zero rating under the provisions of GST and SEZ law.
a. During the course of hearing, Board noted that the appellant/unit desired to add Gama Irradiation treatment service as authorized input service for their authorized operation in their LOA. It was further noted that the Department of Commerce while circulating the uniform list of input services specifically provided that the DCs/UACs may expand the said list to facilitate the units/developers in their respective zones.

The Board, after deliberations, noted that the request to add this service in the uniform list of input services cannot be accepted. However, the Board decided to remand the matter back to Unit Approval Committee for an appropriate decision since any request for inclusion of an additional input service pertaining to authorized operation of an unit is well within the purview of UAC.

**Decision on Supplementary Agenda**

103.7 Request for extension of LoA beyond 3rd year onwards (one proposal)

103.7 (i) Request of M/s. Mundra Solar Limited (MSL), an SEZ Unit in M/s. Adani Ports and SEZ at Mundra for 5th extension of validity of LoA upto 18.04.2022.

The Board, after deliberations, decided to defer the matter and directed DC, APSEZ to take note of the observations of DoR and submit a detailed report.

103.8 Change in shareholding pattern (one proposal)

103.8 (i) Request of M/s. Manyata Promoters Private Limited, the Developer of Manyata SEZ, for approval of change of shareholding as a result of Composite Scheme of Arrangement.

The Board, after deliberations, approved the proposal of the developer for change of shareholding with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;

ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;

iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.

iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.

v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.

vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.

vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

103.9 Request for co-developer status (three proposals)

103.9(i) Request of M/s. DesignTech Systems Pvt. Ltd., (presently an IT/ITES Unit) for Co-developer status in MIDC-IT/ITES SEZ, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-III, Pune for the purpose of construction of building and related infrastructure of IT/ITES Units, development of space for IT/ITES units and all default authorised operations.
The Board, after deliberations, approved the proposal of M/s. DesignTech Systems Pvt. Ltd. for construction of building and related infrastructure of IT/ITES Units, development of space for IT/ITES unit and all default authorised operations in accordance with the co-developer agreement dated 16.02.2021 entered into with the developer, subject to the condition of the exit of the unit after paying all dues to the satisfaction of Development Commissioner and also subject to compliance of the relevant provisions of SEZ Act/Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

103.9(ii) Request of M/s. Click2Cloud Technology Services India Pvt. Ltd. for co-developer status in the multi-product SEZ in M/s. MIHAN SEZ at Nagpur, Maharashtra.

The Board, after deliberations, approved the proposal of M/s. Click2Cloud Technology Services India Pvt. Ltd. for co-developer status for providing infrastructure facility such as constructed warm shell with plug and play facilities, internet facilities & Wi-Fi, common server rooms, common meeting & conference rooms, common cafeteria, common garden, power back up facilities in accordance with the co-developer agreement dated 10.02.2021 entered into with the developer subject to the condition of exit of the unit after paying all dues to the satisfaction of Development Commissioner and also subject to compliance of the relevant provisions of SEZ Act/Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

103.9(iii) Request of M/s. Holistic Infra Developers Pvt. Ltd. for co-developer status in the M/s. Phoenix Tech Zone Pvt. Ltd. SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana for development, operation and maintenance of the SEZ and other activities.

The Board, after deliberations, approved the proposal of M/s. Holistic Infra Developers Pvt. Ltd. for construction of IT/ITES building and operating and maintaining the facility within the framework of SEZ in an area of 47,010 sq. ft, on the 15th Floor in Tower-B in the above SEZ in accordance with the co-developer agreement dated 08.02.2021 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules. The lease period shall be in accordance with DoC’s Instruction no. 98 dated 29.08.2019.

103.10 Request for decrease in co-developer area (two proposals)

103.10(i) Request of M/s Harman Connected Services Corporation India Pvt Ltd, a co-developer in Manyata Embassy Business Park SEZ (IT/ITeS Specific) for partial surrendering of the building to the Developer.

The Board, after deliberations, approved the proposal of M/s. Harman Connected Services Corporation India Pvt. Ltd. for surrendering of the building to the Developer in accordance with the co-developer agreement dated 05.11.2020 entered into with the developer, subject to compliance with relevant provisions of SEZ Act & Rules.

103.10(ii) Request of M/s Squarespace SEZ Pvt. Ltd., co-developer in M/s Phoenix Tech Zone Pvt. Ltd. IT/ITES SEZ at Sy. No. 115/35, Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District, Telangana for decrease in their co-developer space.

The Board, after deliberations, approved the proposal of M/s. Squarespace SEZ Pvt. Ltd. for amendment in the allotment of co-developer space from 92,375 sq. ft in 14th and 15th floors in Tower B forming part of the SEZ project to 14th Floor in Tower-B admeasuring an area of 45,365 sq. ft. in accordance with co-developer agreement dated 12.02.2021 subject to compliance with relevant provisions of SEZ Act & Rules.
103.10 Miscellaneous proposal (one proposal)

103.10(i) Proposal of M/s. Omsynex Ventures Pvt. Ltd., a unit located at Plot no. 23, Noida SEZ for inclusion of warehousing of Liquor and precious/semi-precious metals in its authorized operations.

The Board, after deliberations, decided to defer the proposal and directed the DC, NSEZ to review the request in light of the concerns raised by DoR.

Decision on Supplementary Agenda II

103.11 Request for setting up of new SEZ (one proposal)

103.11(i) Request of M/s. Bagmane Developers Private Limited for setting up of IT/ITES SEZ at Survey No.79(part), Doddanakundi Village, Doddanakundi Industrial Area, Bangalore, Karnataka over an area of 4.60 Hectares.

The Board, after deliberations, approved the proposal for setting up of SEZ for IT/ITES at Survey No. 79(part), Doddankundi Village, Doddankundi Industrial Area, Bangalore, Karnataka over an area of 4.60 Ha subject to the condition that no duty benefits shall be provided for the already constructed structure and the developer will not be eligible for any duty benefits till the date of notification of the SEZ.

103.12 Request for change in shareholding pattern (one proposal)

103.12(i) Request of M/s. RMZ Ecoworld Infrastructure Private Limited., Developer SEZ, for change in shareholding pattern due to composite scheme of arrangement.

The Board, after deliberations, approved the proposal for in-principle approval for change in shareholding pattern subject to approval by relevant statutory body with the following conditions:-

i. Seamless continuity of the SEZ activities with unaltered responsibilities and obligations for the altered developer entity;
ii. Fulfilment of all eligibility criteria applicable to developer, including security clearances etc. by the altered developer entity and its constituents;
iii. Applicability of and compliance with all relevant rules of Revenue/Company Affairs/SEBI etc., which regulate issues like capital gains, equity change, transfer, taxability etc.
iv. Full financial details relating to change in equity/merger, demerger, amalgamation or transfer in ownership etc. shall be furnished immediately to Member (IT), CBDT, Department of Revenue and to the jurisdictional Authority.
v. The Assessing Officer shall have the right to assess the taxability of the gain/loss arising out of the transfer of equity or merger, demerger, amalgamation, transfer and ownerships etc. as may be applicable and eligibility for deduction under relevant sections of the Income Tax Act, 1961.
vi. The applicant shall comply with relevant State Government laws, including those relating to lease of land, as applicable.
vii. The developer shall furnish details of PAN and jurisdictional assessing officer of the developer to CBDT.

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List of participants for the Meeting of the Board of Approval for Special Economic Zones held on 18th March, 2021 under the Chairmanship of Commerce Secretary, Department of Commerce.

1. Shri Anup Wadhawan, Chairman, BoA & Commerce Secretary, Department of Commerce
2. Shri S. Kishore, Additional Secretary, Department of Commerce.
3. Shri Amit Yadav, DG, DGFT
4. Shri Amitabh Kumar, Joint Secretary, Department of Commerce.
5. Shri A. Bipin Menon, Development Commissioner, Noida SEZ.
6. Shri Senthil Nathan S, Director, Department of Commerce.

List of participants connected with Video Conferencing.

1. Shri Ram Chander Sankhla, Pr. ADG, DGEPCBIC.
2. Dr. Amiya Chandra, Development Commissioner, KASEZ/ Adani Port SEZ, Mundra.
3. Shri Shanmuga Sundaram, Development Commissioner, MEPZ.
4. Shri D.V. Swamy, Development Commissioner, CSEZ.
5. Shri A. Rama Mohan Reddy, Development Commissioner, Visakhapatnam SEZ.
6. Shri D. Anandan, Development Commissioner, Sri City SEZ.
7. Shri B. K. Panda, Development Commissioner, Falta SEZ.
8. Shri R. Muthuraj, Development Commissioner, GIFT & Dahej SEZ.
9. Shri Virendra Singh, Development Commissioner, Surat SEZ, Gujarat.
10. Dr. S. K. Bansal, Development Commissioner, SEEPZ SEZ.
11. Shri G. Pannei, Deputy Legislative Counsel, Legislative Department, Shashtri Bhawan.
12. Shri Lal Chand Dabaria, Assistant Legal Adviser, Department of Legal Affairs.
13. Shri Akram Ali, Assistant Development Commissioner, Mihan SEZ.